



## Austin City Council MINUTES

SEPTEMBER 29, 1994 - 1:00 P.M.

Mayor Todd called to order the meeting of the Council, noting the presence of all of the Council.

### MINUTES APPROVED

1. Approval of Minutes for the Regular Meeting of September 8, 1994 and September 15, 1994; and Special Called Meetings of September 7, 8, 9 & 10, 1994; September 12, 13, 14, 15 & 16, 1994; and correction to approved minutes of August 11, 1994.

Approved except for minutes of Special Meeting of September 12, 1994 on Councilmember Garcia's motion, Councilmember Goodman's second, 7-0 vote.

### CITIZEN COMMUNICATIONS: GENERAL

2. Mrs. Nellie Tellez, to discuss the new building for Parque Zaragoza Recreation Center.
3. Mrs. Dora Rivera, to discuss the new building for Parque Zaragoza Recreation Center.  
Not present
4. Mr. Daniel Lozano, to discuss the new building for Parque Zaragoza Recreation Center.  
Not present
5. Mr. Raul Alvarez, to discuss the Austin Transportation Plan.  
Not present
6. Mr. Sam Waring, to discuss coffee-related issues.
7. Ms. Mariadelourdez Guerrero, to discuss solid waste fees.  
Not present
8. Mrs. Cheryl Sawyer, to present the concerns and recommendations regarding the Council's recent decision to support a \$50 licensing inspection fee for all Child Care facilities.
9. Mrs. Ruth Robinson, to discuss saving her house at 1514 E. 12th.  
Not present
10. Mr. Shaun Stenshol, to discuss the South Texas Nuclear Plant and how Austin needs to have a full-time individual at the plant site, nosing around looking for discrepancies in repairs and cost of repairs that are supposed to be taking place at STNP.
11. Mr. Dave Schroeder, to discuss an energy saving measure that homeowners can use to save bucks and stay cooler.

**ITEMS CONTINUED FROM PREVIOUS MEETINGS**

12. Approve the selection of SPECTRUM RESEARCH, INC., Duluth, Minnesota, to provide professional services for evaluations of golf course management and protection of water resources in the vicinity of City owned golf courses, in the amount of \$100,000. (Funding is available in the 1993-94 operating budget of the Environmental and Conservation Services Department.) Best qualification statement of five (5). 13% MBE, 5% WBE Subconsultant participation. (Recommended by the Environmental Board)

Approved on Councilmember Shea's motion, Councilmember Garcia's second, 5-2 vote, Councilmembers Mitchell and Reynolds voting No.

13. Approve the selection of COMMUNITY ENVIRONMENTAL SERVICES, INC., (WBE), Austin, Texas, for Phase I (planning) of a three phase professional services agreement to provide engineering and associated services for the Alternative Wastewater Management Project, in the estimated amount of \$100,000. (Funding was included in the 1993-94 Capital budget of the Water and Wastewater Utility.) Best qualification statement of six (6). 11% MBE, 0% WBE Subconsultant participation. (Recommended by the Water and Wastewater Commission)

Approved on Councilmember Garcia's motion, Mayor Todd's second, 7-0 vote.

14. Approve the selection of ESPEY, HUSTON & ASSOCIATES, INC., Austin, Texas, for Phase I (preliminary engineering) of a three phase agreement to provide engineering, planning and associated services for the Robert B. Lee Road Relief Interceptor Improvements Project and associated planning study, in the estimated amount of \$435,000. (Funding was included in the 1993-94 Capital budget of the Water and Wastewater Utility.) Best qualification statement of eleven (11). 15.5% MBE, 1.5% WBE Subconsultant participation. (Recommended by the Water and Wastewater Commission)

Approved to refer back to Water and Wastewater Commission and bring back to Council in one week on Councilmember Goodman's motion, Mayor Pro Tem Nofziger's second, 7-0 vote.

15. Approve the selection of ESPEY, HUSTON & ASSOCIATES, INC., Austin, Texas, for Phase I (preliminary engineering) of a three phase professional services agreement for engineering and associated services for the Loop 360 Area Water System Improvements Project, in the amount of \$130,000. (Funding was included in the 1993-94 Capital budget of the Water and Wastewater Utility.) Best qualification statement of eleven (11). 10.5% MBE, 5% WBE Subconsultant participation. (Recommended by the Water and Wastewater Commission)

Approved on Councilmember Garcia's motion, Mayor Todd's second, 7-0 vote.

16. Approve a construction contract award to CAPITAL EXCAVATION COMPANY, Austin, Texas, for construction of an 8" water line to replace an existing 6" water line on Rutland Drive from Parkfield Drive to North Lamar Boulevard, in the amount of \$330,078. (Funding was included in the 1993-94 Capital budget of the Water and Wastewater Utility.) Low bid of three (3). 0.58% MBE, 5.94% WBE Subcontractor participation. (Recommended by the Water and Wastewater Commission)

Approved

17. Amend the Local Urban Homesteading Agency agreement to accept a \$943,018 grant from the 20th Year Community Development Block Grant, to fund the acquisition, maintenance and rehabilitation of homes for the Urban Homesteading Program also known as the Welcome Home Program. (Funding is available in the 20th Year Community Development Block Grant/Dollar Home Program Grant funds, and is contingent upon Council approval of the 1994-95 proposed budget for the Special Revenue Fund of the Planning and Development Department.) [Related to Item 51]  
Approved
18. Reaffirm the City of Austin's intent to continue to comply with the provisions of the 1987 agreement on the purchase of electricity by the State of Texas as outlined in HCR-32, 70th Regular Session of the Texas Legislature.  
Approved

#### ORDINANCES

19. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 1010 and 1012 East 53rd Street, Case No. C14-94-0035, from "SF-3", Family Residence to "GR-CO", Community Commercial-Conditional Overlay, TEXAS HIGH SCHOOL COACHES (Eddie Joseph), by Amelia Bullock Realtors (Mary Joseph). First reading on June 23, 1994; Vote 6-0, Councilmember Reynolds absent. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council.  
Ordinance No. 940929-A approved
20. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as South IH-35 Service Road NB and St. Elmo Road, Case No. C14-94-0105, from "SF-3", Family Residence to "GR-CO", Community Commercial-Conditional Overlay, FRANK COVERT III, ET AL (Frank Covert), by Graves, Dougherty, Hearon & Moody (Wm. Terry Bray). First reading on September 1, 1994; Vote 6-0, Councilmember Garcia out of the room. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council. Restrictive covenant incorporating conditions imposed by Council has been executed.  
Ordinance No. 940929-B approved
21. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 9600-9900 North MoPac Expressway, Case No. C14-94-0108, from "CS", Commercial Services to "P" Public District and "MF-3-CO", Multifamily Residence (medium density)-Conditional Overlay, UNIVERSITY OF TEXAS (Alan Prickett)/EWING PROPERTIES (Mike Pacillio), by Bury & Pittman (James B. Knight). First reading on September 1, 1994; Vote 6-0, Councilmember Garcia out of the room. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council.  
Ordinance No. 940929-C approved

Items 16-21 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 7-0 vote.

22. Amend Ordinance No. 920604-A changing and adding provisions to the Utility Service Regulations. (Recommended by the Electric Utility Commission).  
Ordinance No. 940929-L approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, vote 5-1, Councilmember Goodman voting No, Councilmember Garcia out of the room.
23. Amend Ordinance No. 930915-A, the 1993-94 operating budget by increasing General Fund Interest Income by \$69,000 and by increasing the appropriation for the Municipal Court by \$69,000.  
Ordinance No. 940929-D approved
24. Amend Chapter 8-6 of the City Code, 1992, as amended, related to Burglar Alarm Emergency Reporting Equipment and Procedures, and amend Ordinance No. 940912-C related to fees.  
Ordinance No. 940929-E approved
25. Amend Chapter 10-2 of the Austin City Code regarding tall weeds, rubbish and unsanitary conditions.  
Ordinance No. 940929-F approved
26. Authorize acceptance of \$27,862 in additional grant funds from the Texas Department of Health (TDH), HIV Health and Social Services grant; amend Ordinance No. 930915-A, the 1993-94 operating budget, amending the Special Revenue Fund for the Health and Human Services Department by appropriating an additional \$27,862, for a total grant amount of \$429,759.  
Ordinance No. 940929-G approved
27. Authorize acceptance of \$2,075 in additional grant funds from the Texas Department of Health (TDH), Sexually Transmitted Disease (STD) Division; amend Ordinance No. 930915-A, the 1993-94 operating budget, amending the Special Revenue Fund for the Health and Human Services Department by appropriating an additional \$2,075, for a total grant amount of \$139,301.  
Ordinance No. 940929-H approved
28. Authorize application for and acceptance of \$258,873 in grant funds from the National Council of Senior Citizens for provision of employment for low-income senior citizens; amend Ordinance No. 930915-A, the 1993-94 operating budget Special Revenue Fund for the Parks and Recreation Department, by increasing appropriations to \$258,873.  
Ordinance No. 940929-I approved
29. Amend Ordinance 930915-A, the 1993-94 operating budget for the Recreation Programs Enterprise Fund by increasing budgeted revenues by \$31,000, increasing expenditures by \$31,0000, to fund increased programming at recreation centers. (Funding is provided by increased class registration revenues.)  
Ordinance No. 940929-J approved
30. Authorize acceptance of \$138,474 in additional grant funds from the Texas Department of Health (TDH) for the Women, Infants and Children's Nutrition Program (WIC); amend Ordinance No. 930915-A, the 1993-94 operating budget, amending the

Special Revenue Fund of the Health and Human Services Department by appropriating an additional \$138,474 in grant funds, for a total grant amount of \$1,670,159, and extending the grant period through December 31, 1994. (Related to Item 31) Ordinance No. 940929-K approved

## RESOLUTIONS

31. Approve execution of a contract with PERSPECTIVE ENTERPRISES, INC., Kalamazoo, Michigan, for the purchase of a mobile outreach/clinic vehicle to be used for the Women, Infants and Children (WIC) nutrition and education program, in an amount not to exceed \$102,500. [Funding in the amount of \$30,000 is included in the Health and Human Services Department Special Revenue Fund for the Texas Department of WIC nutrition and education grant program. Funding in the amount of \$45,000 is included in the 18th Year Community Development Block Grant (CDBG) Program. Funding in the amount of \$27,500 is available in the Health and Human Services Department Disproportionate Share Fund.] Low bid of three (3). No M/WBE Subcontracting opportunities were identified. (Related to Item 30)  
Approved
  32. Ratify a twelve (12) month contract with the CENTRAL TEXAS MEDICAL FOUNDATION, Austin, Texas, for obstetrics and gynecology (OB/GYN) medical services, in an amount not to exceed \$116,000; authorize a twelve (12) month contract in the amount of \$116,000 with four (4) twelve (12) month extension options in the amount of \$116,000, for a total amount not to exceed \$696,000. (Funding was included in the 1993-94 Health and Human Services Department Federally Qualified Health Centers Fund; funding for the extension options is contingent upon available funding in future budgets.) Sole Source. No M/WBE Subcontracting opportunities were identified.  
Approved
  33. Approve the Austin/Travis County Federally Qualified Health Center Discount Policy based on the Federal Poverty Index. (This policy is expected to result in an annual reduction of approximately \$6,500 in client fees.) [Recommended by the Federally Qualified Health Center Board]  
Approved
  34. Approve an Interlocal Agreement between the City of Austin Parks and Recreation Department and Austin Community College for the use of the Austin Recreation Center for instructional classes. (No fiscal impact.) [Recommended by the Parks Board]  
Approved
- Items 23-34 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 7-0 vote.
35. Approve negotiation and execution of an Interlocal Agreement between the City of Austin and the Texas Parks and Wildlife Department to establish, manage, and fund an Aquatic Biological Team to evaluate potential threats and propose ecological management measures to protect aquatic species in the Balcones Canyonlands

Conservation Plan, in the amount of \$25,000. (Funding is available in the 1993-94 operating budget of the Environmental and Conservation Services Fund.)

Approved on Councilmember Garcia's motion, Councilmember Shea's second, 5-0 vote, Mayor Todd and Councilmember Mitchell out of the room.

36. Approve the issuance of a Letter of Intent and a rebate in the amount of \$68,180 to BOT INVESTMENTS, LTD., Austin, Texas, for the installation of an energy efficient natural gas engine chiller at the Bank One Tower located at 221 West 6th Street. This installation will result in an estimated demand savings of 623 kilowatts of electricity at a program cost of \$101.12 per kilowatt. (Funding is available in the 1993-94 operating budget of the Environmental and Conservation Services Fund.) [Recommended by Resource Management Commission]

Approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0-1 vote, Councilmember Reynolds abstaining.

37. Approve assignment of developer rights and obligations under the Consent Agreements of Austin Municipal Utility District Nos. 1, 2, and 3 from Markborough Development Company, Ltd. to Harris Branch Joint Venture and the subsequent assignment from Harris Branch Joint Venture to Austin HDS, Ltd. (No fiscal impact.) [Recommended by the Water and Wastewater Commission]  
Approved

38. Approve execution of a contract award to KEYSTONE CONSTRUCTION, INC., for reconstruction and rerouting of the Rattan Creek Force Main, in the amount of \$585,684; authorize project management fees to the North Austin Municipal Utility District in an amount not to exceed 2 1/2% of the total construction cost; and authorize City inspection fees for the project, estimated at approximately \$50,000. (Funding in the amount of \$650,326 was included in the 1993-94 Capital budget of the Water and Wastewater Utility.) [Recommended by the Water and Wastewater Commission]  
Approved

39. Approve execution of a contract with SEQUEL DATA SYSTEMS, INC., (MBE), Austin, Texas, for the purchase of 30 Postscript Laser Printers, including installation, training, software and two years of maintenance for the Water and Wastewater Utility in an amount not to exceed \$135,960, with a twelve (12) month extension option to purchase up to 30 fax modems and 30 multimedia feeder trays in an amount not to exceed \$18,630, for a total contract amount not to exceed \$154,590. (Funding was included in the 1993-94 Capital budget of the Water and Wastewater Utility.) Low bid of nine (9) meeting specifications. No M/WBE Subcontracting opportunities were identified. (Recommended by the Water and Wastewater Commission)  
Approved

40. Approve execution of a twelve (12) month service agreement with JV TRUCKING, INC., Austin, Texas, for the purchase of sandy loam/topsoil for various City departments, in the amount of \$154,070 with the option to extend for two (2) twelve (12) month periods in the amount of \$154,070 for each extension option, for a total amount of \$462,210. [Funding is contingent upon the approval of the

1994-95 operating budgets for the Water and Wastewater Utility (\$29,273.30), Electric Utility (\$73,953.60), Public Works Department (\$44,680.30) and the Parks and Recreation Department (\$6,162.80). Funding for the extension options is contingent upon available funding in future budgets.] Single Bid. No M/WBE Subcontracting opportunities were identified.

Approved

41. Approve execution of a contract with TEXAS STATE DISTRIBUTORS, INC., Beaumont, Texas, for a twelve (12) month supply agreement for two-hundred, twenty-five (225) soft body armor bullet-resistant vests for the Police Department, in an amount not to exceed \$83,227.50 with the option to extend for up to two (2) additional twelve (12) month extension periods in an amount not to exceed \$83,227.50 for each period, for a total amount not to exceed \$249,682.50. (Funding is available in the 1994-95 operating budget of the Austin Police Department. Funding for the extension options is contingent upon available funding in future budgets.) Low bid of seven (7) meeting specifications. No M/WBE Subcontracting opportunities were identified.

Approved

42. Approve the filing of eminent domain proceedings to acquire fee simple interest to a parcel of land containing 210.684 acres of land out of The Santiago Del Valle Ten League Grant Survey, Abstract No. 24 in Travis County, Texas, owned by The Estate of Richard A. Brunswick, Deceased, for the Land Acquisition Program, New Austin Airport at Bergstrom Project. (Appraised value is \$214,000.)

Approved

43. Approve 2 Single Family Housing Loans, each loan in an amount not to exceed \$45,000 for a total amount of all contracts not to exceed \$90,000, to two (2) eligible families for replacement of one-story, single family, owner occupied dwellings. (Funding is available in CDBG 19th Year Grant Funds budgeted in the Special Revenue Fund of the Planning and Development Department.)

Approved

#### ITEMS FROM COUNCIL

44. Approve the City of Austin's cosponsorship of the Martin Luther King parade for 1995. (Councilmembers Eric Mitchell, Gus Garcia, and Ronney Reynolds)

Approved

45. Approve a resolution directing the City Manager to submit a plan to Council for the continued operation of the Capitol City Playhouse in the downtown area. (Mayor Pro Tem Michael "Max" Nofziger and Councilmember Jackie Goodman)

Approved

Items 37-45 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 7-0 vote.

46. Amend Chapter 2-4 of the Austin City Code of 1992 regarding the function, membership and sunset of the Downtown Commission. (Downtown Subcommittee)

Approved on Mayor Pro Tem Nofziger's motion, Councilmember Garcia's second with a friendly amendment offered by Councilmember Garcia and accepted to delay action on one member (East Austin Hispanic Community Representative) of part 2-4 for one week, 7-0 vote.

47. Direct the City Manager to work with the Electric Utility Commission to develop and report on options for an independent Electric Utility governing board. (Councilmembers Eric Mitchell and Ronney Reynolds)

Approved on Councilmember Mitchell's motion, Councilmember Reynolds' second, 4-2-1 vote, Mayor Pro Tem Nofziger and Councilmember Garcia voting No, Councilmember Shea abstaining.

48. Approve a resolution securing an independent management and operational audit of the Electric Utility Department. (Mayor Bruce Todd)

Approved on Councilmember Garcia's motion, Mayor Todd's second, 7-0 vote.

Recessed at 3:30 p.m. for AHFC meeting on Councilmember Reynolds' motion, Mayor Pro Tem Nofziger's second, 6-0 vote, Councilmember Garcia out of the room.

#### 3:30 P.M. - BOARD OF DIRECTOR'S MEETING OF AUSTIN HOUSING FINANCE CORPORATION

The Mayor will recess the City Council meeting. A Board meeting of the Austin Housing Finance Corporation (AHFC) will be conducted. Following adjournment of the AHFC Board meeting, the City Council will be reconvened. Items 49-51 are AHFC agenda items to be considered by the Austin Housing Finance Corporation's Board of Directors.

49. Approve minutes of the May 26, 1994 and August 18, 1994 meetings.
50. Approve the 1994-95 budget for the Austin Housing Finance Corporation. (Funding in the amount of \$135,000 from HOME Year 3, \$965,198 from Housing Assistance Trust Funds, \$162,172 from interest earnings and \$943,018 from Community Development Block Grant funds.)
51. Amend the Local Urban Homesteading Agency Agreement to accept a \$943,018 grant from the 20th Year Community Development Block Grant Program to fund the acquisition, maintenance and rehabilitation of homes for the Urban Homestead Program also known as the Welcome Home Program. (Funding is available in the 20th Year Community Development Block Grant/Dollar Home Program funds and is contingent upon Council approval of the 1994-95 proposed budget for the Special Revenue Fund of the Planning and Development Department.) [Related to Item 17]

#### 4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

52. C14-94-0086 - ST. STEPHENS MISSIONARY BAPTIST CHURCH (Taylor Smith), by Ambrose Jackson Associates (Ambrose W. Jackson, Jr.), 3544 Amherst Drive. From LO to GR.

Planning Commission Recommendation: To grant GO-CO, General Office-Conditional Overlay zoning. The conditional overlay limits uses to religious assembly and permitted LO, Limited Office, uses and limits development to a level generating less than 2,000 vehicle trips-per-day, and compliance with an Integrated Pest Management Program.

Ordinance 940929-M approved

53. C14-94-0053 - AUSTIN LODGE NO. 12 A.F.A.M./DENISE P. ANDERSON (William R. Faust), by Laura S. Martin, 1900 to 1906 W. 42nd Street. From SF-3 to GO & NO-MU. Planning Commission Recommendation: To Deny request for GO, General Office and NO-MU, Neighborhood Office-Mixed Use. Withdrawn at request of applicant.
54. C14-94-0090 - LITTLEFIELD-TRAVIS PROPERTIES, LTD. (Will G. Shepherd, A.I.A.), 701 West Longspur Boulevard. From GR to MF-2. Planning Commission Recommendation: To Grant MF-2, Multifamily Residence (low density) and RR, Rural Residence, for the area determined to be within the 100-year floodplain. Approved 1st reading only

Items 52-54 approved on Councilmember Garcia's motion, Mayor Todd's second, 6-0 vote, Councilmember Mitchell out of the room.

55. C14-73-227 - MERNER LAND CO., INC., by Vector Research & Development (Jacquelyne Hayes), 2001 S. IH-35 Service Road SB. Restrictive Covenant Amendment. Planning Commission Recommendation: To deny the request to amend the restrictive covenant.

Close public hearing and deny request to amend Restrictive Covenant on Councilmember Shea's motion, Councilmember Reynolds' second, 6-0 vote, Councilmember Garcia out of the room.

56. C14-94-0083 - IDM CORP., MANAGING PARTNER OF GLENLAKE LTD. (Maury Hood), Glenlake Drive and River Place Boulevard. From DR & LA to SF-1. Planning Commission Recommendation: To Grant SF-1-CO, Single Family Residence (large lot)-Conditional Overlay, with the provisions of the overlay to limit the density to 22 single family units and prohibit the connection of Glenlake Drive to River Place.

Close public hearing on Councilmember Reynolds' motion, Councilmember Garcia's second, 5-0 vote, Councilmembers Goodman and Shea out of the room.

Approved 1st reading on Mayor Pro Tem Nofziger's motion, Councilmember Mitchell's second, 7-0 vote.

57. C14-94-0102 - VERNON R. WATTINGER, by Crocker Consulting (Sarah Crocker), 800-899 W. Slaughter Lane. From DR to MF-2. Planning Commission Recommendation: To Grant MF-2-CO, Multifamily Residence (low density)-Conditional Overlay, zoning with the provisions of the overlay as follows: (1) development limited to less than 2,000 vehicle trips-per-day; (2) density limited to a maximum of 20 dwelling units per acre; and (3) compliance with an Integrated Pest Management Program (I.P.M.).

Ordinance 940929-0 approved on motion by Mayor Pro Tem Nofziger, Councilmember Garcia's second, 5-1 vote, Councilmember Mitchell voting No, Councilmember Reynolds out of the room.

58. C14-94-0106 - UNIVERSITY OF TEXAS (Alan S. Prickett), by Bury & Pittman (Greg Strmiska), Research Boulevard and West Braker Lane. From P to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, zoning subject to the August 29, 1994 Transportation Impact Analysis (T.I.A.) recommendations including limiting the development to land uses and intensities which will not exceed or significantly vary from projected traffic conditions assumed in the T.I.A. and compliance with an Integrated Pest Management Program (I.P.M.)  
Ordinance 940929-N approved

59. C14-94-0109 - TEXAS GENERAL LAND OFFICE (Jim Crow), by Strasburger & Price (Richard Suttle), 4401 Shoal Creek Boulevard. From UNZ to SF-2 (as amended). Planning Commission Recommendation: To Grant SF-2-CO, Single Family Residence (standard lot)-Conditional Overlay with provisions of the overlay as follows: (1) prohibit access to West 44th Street; (2) limit development to 300 vehicle trips per day; and (3) compliance with an Integrated Pest Management Program (I.P.M.).  
Approved 1st reading only

Items 58-59 approved on Councilmember Garcia's motion, Mayor Todd's second, 6-0 vote, Councilmember Mitchell out of the room.

60. C14-94-0111 - REMEL LIMITED PARTNERSHIP (Dale Moorman), by Brown, McCarroll & Oaks Hartline (Henry Gilmore), 6600 Manor Road. From LR to LI. Planning Commission Recommendation: To Grant LI-CO, Limited Industrial Services-Conditional Overlay, zoning, restricting uses to research services and light manufacturing with the provisions of the overlay as follows: (1) limit the trip generation to no more than 3,908 vehicle trips-per-day and if the development exceeds the threshold of an extra 2,000 vehicle trips-per-day, a Transportation Impact Analysis (T.I.A.) may be required at the time of site plan or at the time of issuance of a conditional overlay; (2) joint access to Manor Road be provided as a condition of zoning and if redevelopment for this site should occur, access to Carol Ann Drive should be prohibited if the requested zoning is granted; and (3) a rollback provision to LR, Neighborhood Commercial, if the use ceases for more than 90 days.  
Withdrawn

61. C14-94-0112 - CHEVY CHASE SOUTH LTD. NO. 1 C/O WADSWORTH PROPERTIES (R.B. Wadsworth), by Espey, Huston & Associates, Inc. (Stephen Ramsey), 4401 to 4601 E. Riverside Drive. From GR to MF-2. Planning Commission Recommendation: To Grant MF-2, Multifamily Residence (low density) and RR, Rural Residence, for the area determined to be within the 100-year floodplain of Country Club Creek.

Approved 1st reading only on Councilmember Garcia's motion, Mayor Todd's second, 5-1 vote, Councilmember Goodman voting No, Councilmember Mitchell out of the room.

62. C14-94-0116 - EMBREY INVESTMENTS (Roger Bowler), by Embrey Investments (Mike Weynand), 6000 S. Mo-pac Expressway SB. From MF-2-CO to GR. Planning Commission Recommendation: to grant GR-CO, Community Commercial-Conditional Overlay, zoning, with the provisions of the conditional overlay: (1) prohibit service station use; and (2) compliance with the Integrated Pest Management Program (I.P.M.).  
Postponed until October 20, 1994

63. C8-85-070.03.3A - CANYON CREEK LAND, LTD., by Huffcut & Associates, Amesite Trail. Existing Zoning: SF-2. Restrictive Covenant Termination. Planning Commission Recommendation: To Approve termination of restrictive covenant.  
Approved

Items 62-63 approved on Councilmember Garcia's motion, Mayor Todd's Second, 6-0 vote, Councilmember Mitchell out of the room.

64. C14-94-0118 - CITY OF AUSTIN, by Department of Planning and Development, 2711-D East Cesar Chavez Street. From CS-1 to CS. Planning Commission Recommendation: To grant CS-1-CO, Commercial Liquor Sales-Conditional Overlay zoning prohibiting indoor and outdoor entertainment.

Close public hearing on Mayor Pro Tem Nofziger's motion, Councilmember Shea's second, 7-0 vote.

Approved 1st reading only to roll back from CS-1 to CS on Councilmember Garcia's motion, Councilmember Shea's second, 7-0 vote.

#### PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

55. 4:30 P.M. - Public hearing to adopt the 1993 National Electrical Code with local amendments, and final passage. (Recommended by the Electrical Board)

Close public hearing on Councilmember Garcia's motion, Councilmember Shea's second, 7-0 vote.

Ordinance 940929-P approved on Councilmember Garcia's motion, Councilmember Goodman's second, 7-0 vote.

#### EXECUTIVE SESSION (No Public Discussion on These Items)

Executive Session was held during the morning of this date.

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel to discuss matters of land acquisition, litigation and personnel matters as specifically listed on the meeting agenda. Council would take any subsequent action in the open meeting as listed on the agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item listed on this agenda.

#### Pending/Contemplated Litigation - Section 551.071

66. Discuss settlement of First Interstate Bank of Texas, N.A. v. City of Austin v. Spicewood Springs Joint Venture, Spicewood Springs Associated and Austin 360 Associates, Cause No. 93-03510.
67. Discuss status of Kenneth R. Strong v. City of Austin; Cause No. 93-13025.

Advice from Counsel - Section 551.071

68. Seek advice of Counsel regarding the application of Fair Labor Standards Act to EMS employees.

Land Acquisition - Section 551.072

69. Discuss fee simple acquisition of real property located at 4803 Fincher Lane, Del Valle, Texas, for the New Airport Project.
70. Discuss fee simple acquisition of real property located at 4805 Fincher Lane, Del Valle, Texas, for the New Airport Project.

Staff Briefing - Section 551.075

71. Staff briefing on status of Balcones Canyonlands Conservation Plan (BCCP) and proposed funding mechanisms for endangered species preserve acquisition and maintenance. (No City Council deliberations permitted under Section 551.075.)

ACTION ON THE FOLLOWING

72. Approve settlement of First Interstate Bank of Texas, N.A. v. City of Austin v. Spicewood Springs Joint Venture, Spicewood Springs Associates and Austin 360 Associates, Causes No. 93-03510.

Approved in an amount of \$397,000.00 to be paid to the City of Austin.

73. Authorize fee simple acquisition of real property located at 4803 Fincher Lane, Del Valle, Texas, for the New Airport Project.

Approved in an amount of \$83,535.00 for purchase and relocation.

74. Authorize fee simple acquisition of real property located at 4805 Fincher Lane, Del Valle, Texas, for the New Airport Project.

Approved in an amount of \$65,000.00 for purchase only.

Items 72-74 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 7-0 vote.

RECESSED from 6:30 p.m. until 7:00 p.m. on Councilmember Reynolds' motion, Councilmember Garcia's second, 7-0 vote.

ADJOURN at 9:30 p.m. on Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

Approved this 6<sup>th</sup> day of October, 1994, on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 6-0 vote, Councilmember Goodman absent.